

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA et al.,

Plaintiffs,

v.

LIVE NATION ENTERTAINMENT, INC.,
and TICKETMASTER L.L.C.,

Defendants.

Civil No. 1:24-cv-3973-AS
[rel. 1:24-cv-03994 and 1:24-cv-04106]

~~PROPOSED~~ AMENDED CIVIL CASE MANAGEMENT PLAN AND SCHEDULING
ORDER

After consultation with counsel for Plaintiff United States of America and the Plaintiff States of Arizona, Arkansas, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, the Commonwealths of Massachusetts, Pennsylvania, and Virginia, and the District of Columbia, acting by and through their respective Attorneys General (collectively, “Plaintiff States”), and Defendants Live Nation Entertainment, Inc. and Ticketmaster L.L.C. (collectively “Defendants”), the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. §636(c). The parties are free to withhold consent without adverse substantive consequences.
2. Plaintiffs have demanded that this case be tried to a jury. Defendants contend that Plaintiffs' federal claims are not entitled to a trial by jury and that they have not properly pled, and cannot sustain, non-federal claims triable to a jury.
3. Joinder of additional parties must be accomplished by **August 12, 2024**.
4. Amended pleadings may be filed without leave of Court until **August 12, 2024**.
5. Defendants must file any motion to transfer no later than **July 19, 2024**. Plaintiffs must file any opposition no later than **August 9, 2024**. Defendants must file any reply no later than **August 16, 2024**.
6. Discovery (in addition to the disclosures required by Fed. R. Civ. P. 26(a)):
 - a. **Documents**. First requests for production of documents, if any, must be served by **July 25, 2024**. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of fact discovery as set forth in item 6(f) below.
 - b. **Interrogatories**. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by **February 27, 2025**. No other interrogatories are permitted except upon prior express permission of the Court. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).
 - c. **Experts**: Every party-proponent of a claim (including any counterclaim, crossclaim,

or third-party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by **August 1, 2025** for all issues except for disclosures relating to financial remedies sought by Plaintiffs, which party-proponents must make by **August 15, 2025**. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim, including any relating to financial remedies sought by Plaintiffs, must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by **September 16, 2025**. No expert testimony (whether designated as “rebuttal” or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions as set forth below. Every party proponent of a claim (including any counterclaim, crossclaim, or third-party claim) that made Fed. R. Civ. P. 26(a)(2) disclosures must serve rebuttal expert reports, if any, by **October 9, 2025**. Every party-opponent must serve sur-rebuttal expert reports, if any, by **October 29, 2025**. Each of Plaintiffs’ experts will be available for deposition on at least two dates between **October 31, 2025** and **November 3, 2025**. Each of Defendants’ experts will be available for deposition on at least two dates between **November 4, 2025** and **November 7, 2025**.

- d. **Depositions.** All fact depositions must be completed by **July 28, 2025**. Unless counsel agree otherwise or the Court so orders, depositions shall not commence

until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond one business day, absent consent by all sides, except as provided in the Deposition Protocol, without prior leave of the Court. Each side is limited to 300 hours for fact depositions.

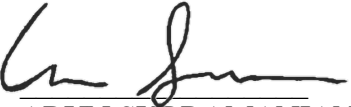
- e. Request to Admit. Requests to Admit, if any, must be served by **May 28, 2025**.
 - f. All discovery is to be completed by **November 7, 2025**. Interim deadlines for items 6(a-e) above may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the respective fact and expert discovery completion dates set forth in this paragraph. The discovery completion dates may be adjourned only upon a showing to the Court of extraordinary circumstances and may not be extended on consent. All fact discovery is to be completed by **June 27, 2025**.
7. To assist the parties in planning discovery, and in view of the geographic dispersion of potential witnesses in this action outside this District and the importance of live testimony, the parties are permitted, under 15 U.S.C. § 23, to issue nationwide trial subpoenas from the Court, requiring witnesses to appear in this Court. The availability of nationwide service of process, however, does not make a witness who is otherwise “unavailable” for purposes of Fed R. Civ. P. 32 and Fed R. Evid. 804 available under those rules or otherwise affect the admissibility at trial of a deposition of a witness.
 8. Post-discovery summary judgment motions in the form prescribed by the Court’s

Individual Practices and *Daubert* motions shall be served by **November 11, 2025** and **November 13, 2025**, respectively; answering papers to summary judgment and *Daubert* motions by **December 8, 2025**; and reply papers by **December 22, 2025**. Each party must file its respective papers on the same date that such papers are served.

9. A final pre-trial conference shall be held on **February 13, 2026 at 11 am EST**. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court's Individual Practices.
10. Jury selection (if applicable) and trial shall commence on **March 2, 2026**.
11. All motions and applications shall be governed by Judge Subramanian's Individual Practices. Counsel shall promptly familiarize themselves with all of the Court's Individual Practices, as well as with the Local Rules for the United States District Court for the Southern District of New York.

SO ORDERED.

Dated: **July 7, 2025**
New York, New York


ARUN SUBRAMANIAN
United States District Judge